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|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES<br/>CHILD WELFARE MANUAL</b> |                                     |
|   | <b>Chapter 6:</b> Court Involvement                                  | <b>Effective Date:</b> July 1, 2008 |
|   | <b>Section 4:</b> Providing Notice                                   | <b>Version:</b> 1                   |

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| <b>POLICY</b> | <b>OLD POLICY: N/A</b> |
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The Indiana Department of Child Services (DCS) will give written notice by mail or personal service, of all Child in Need of Services (CHINS) Hearings, to the following:

1. The child;

**Note:** If the child's attendance at the hearings would neither benefit the child nor contribute to the proceedings, DCS will file a request for a court order to exclude the child from the proceedings. To remove the obligation of DCS to provide notice to the child, the order must specifically address the issue.

2. Each parent/guardian/custodian and Attorney of record;
3. Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL); and
4. Resource parent(s) or long term foster parent.

**Note:** In Case Reviews and Permanency Hearings, notice must be sent to any fit and willing relative or person who the department knows has had a significant relationship with the child. If required consent to adoption has been received or Termination of Parental Rights (TPR) filed, notice must also be sent to prospective adoptive parent(s),

**Note:** The notice must be sent at least ten (10) calendar days prior to the Hearing for Case Review and Permanency Hearings.

DCS will use one (1) of the following methods for serving notice of a hearing:

1. Notice by Mail – May be given by mail, if the notice is deposited in the mail at least seven (7) calendar days prior to the scheduled hearing.

**Note:** Incarcerated parties must be sent, in care of the superintendent of the facility:

- a. CHINS Petition,
- b. Advisement of Rights, and
- c. Notice of all hearings.

2. Notice by:

- a. Verbal – May be given, if the scheduled court hearing is less than 48 hours after the time the hearing is set by the court, excluding Saturdays, Sundays, and certain legal holidays. DCS requires verbal notice<sup>1</sup> (i.e., date, time, location, and purpose of the proceeding) to the person who is required to be notified.

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<sup>1</sup> The notice cannot be left on voice mail or with other persons not party to the proceeding.

**Note:** Notice by DCS is not required if verbal notice of the date, time, location, and purpose of the proceeding is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

The person providing verbal notice must verify by affidavit testimony or other communication to the court at the hearing that verbal notice was given as required.

- b. Termination – At least ten (10) calendar days prior to the hearing, for Termination Proceedings, in addition to the persons listed in paragraph one (1), notice of any hearing in a termination case must be given to the prospective adoptive parent for whom any required consent to adoption has been given.

#### Code References

1. [IC 31-32-1-4: Notice of Court Proceedings](#)
2. [IC 31-32-1-4\(f\): Juvenile Court Procedures](#)
3. [IC 31-34-5-1: Time for Hearing; notice](#)
4. [IC 31-34-10-2: Initial hearing; service of copy of petition and summons](#)
5. [IC 31-34-11-1: Notice of Fact Finding Hearings](#)
6. [IC 31-34-19-1.3: Notice of Dispositional Hearings](#)
7. [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
8. [IC 31-34-21-4.6: Long Term Foster Parent](#)
9. [IC 31-34-22-2: Providing copies of reports and factual summaries of reports](#)
10. [IC 31-35-2-6.5: Notice of Hearing \(Termination Cases\)](#)

#### **PROCEDURE**

The FCM will ensure notices are given to all appropriate parties in a timely manner.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

N/A

#### **RELATED INFORMATION**

##### **Right to be Heard**

Resource parents who are required to be notified, also have the right to be heard in all court proceedings pertaining to a child in their care.

##### **Long Term Foster Parent**

A foster parent who has provided care and supervision for a child for at least:

1. The twelve (12) most recent months; or
2. Fifteen (15) months of the most recent twenty-two (22) months.